

**STATEMENT OF  
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DEPARTMENT OF THE INTERIOR**

**HOUSE RESOURCES COMMITTEE  
SUBCOMMITTEE ON NATIONAL PARKS  
&  
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH**

**JOINT OVERSIGHT HEARING ON  
“MOTORIZED RECREATIONAL USE ON FEDERAL LAND”**

**JULY 13, 2005**

Mr. Chairmen, thank you for the opportunity to present the views of the Department of the Interior on motorized recreational use on Federal lands administered by the Bureau of Land Management (BLM) and the National Park Service (NPS). We appreciate the opportunity to discuss this very important issue and the ongoing efforts of both agencies to address the needs of motorized access and other stakeholders to maximize the visitor experience while preserving and protecting these lands for the use and enjoyment of future generations.

At the outset, Mr. Chairmen, I would like to point out that motorized access, particularly snowmobile access within certain NPS units, has been one of the highest profile issues we have addressed. On two separate occasions, the Department and the Congress have successfully resisted efforts to eliminate snowmobile access to Yellowstone and Grand Teton National Parks. On November 10, 2004, the NPS published a final rule implementing winter use regulation for an interim period, through the winter of 2006-2007. The rule allows for continued snowmobile use, but requires that within Yellowstone all must be Best Available Technology (BAT). The temporary winter use management plan ensures that resources are protected, gives visitors, employees and residents of the park's gateway communities the information they want and need to plan for the near term, and will help minimize economic impacts on those communities. Secretary Norton's commitment to this balance is unwavering and her commitment to reasonable motorized access to public lands is strong as evidenced by her visit this past February to Yellowstone National Park where she rode a snowmobile approximately 150 miles through the Park to Old Faithful Canyon and other Yellowstone landmarks.

**Background**

The BLM manages 261.8 million surface acres of public lands and associated resources consistent with the multiple-use mandate of its organic act, the Federal Land Policy and Management Act of 1976 (FLPMA). Approximately 82 million acres of these public lands are completely open to motorized access, and an additional 126 million acres have limited motorized access. The National Park System contains 388 units comprising in excess of 79 million acres. Under current NPS regulations, motor vehicle use occurs on park roads, in parking areas, and on routes specifically designated for off-road motor vehicle use. The NPS currently administers over 8,000 miles of roads within the National Park System that are open to the public. The NPS's visitor use objective is to provide for recreational activities that enable visitors to experience the resources and values for which the park was established, and to provide visitors opportunities that are inspirational, educational, healthful and satisfying while conserving park resources for future generations

Motorized recreational use on the nation's public lands has increased substantially in recent years, and continues to increase on an annual basis. By some industry estimates, more than 80% of all off-highway vehicle (OHV) and mountain bike trail opportunities in the west are on BLM and Forest Service lands. The number of registered OHVs in Utah alone has increased seven-fold in the last 18 years. The OHV and

motorcycle industry conservatively estimates that there are four to five times more OHVs in the West than there were a decade ago. This has resulted in a significant increase in demand for utilization and access opportunities and has presented land management challenges for the BLM in providing motorized users with public land access while minimizing user conflicts, protecting resources, and safeguarding visitor safety. In meeting these challenges, the BLM has determined that a comprehensive approach to travel management on the BLM's vast acreage is a necessary component of the agency's multiple-use mandate. To this end, the BLM is dedicated to the responsible management of the public lands to provide for a wide array of recreational opportunities, including outstanding opportunities for motorized recreational use.

### **Increasing Expectations and Impacts on Local Communities**

As populations continue to grow in the West, the demand for a wide variety of recreation opportunities and visitor services has increased dramatically. Currently, the BLM public lands host between 54 and 60 million recreation visitors annually – an increase of over 80% in the last 15 years.

The NPS has also experienced an increase. For example, in 1980, when there were 331 units administered by the NPS consisting of over 70 million acres, approximately 42 park units were categorized as recreational parks (national recreation areas, national seashores, etc.). Those units reported more than 96 million recreation visits. Twenty years later, in 2000, the National Park System had grown to over 78 million acres and recreational parks received approximately 104 million recreation visits. More recently, in 2004, while the total number of acres managed by the NPS increased only marginally, the total number of visits to this category of parks increased to almost 107 million.

Contributing to the increase in recreational visits has been a contemporaneous increase in the number and types of recreational activities visitors experience on public lands. In addition to traditional outdoor recreation activities, such as hiking, OHV use, horseback riding, camping, rafting, biking, target shooting, and rock climbing, the BLM also must manage for unique special events, some of which are the result of technological advances in motorized and mechanized modes of recreation and other forms of extreme and adventure-based recreation not allowed on other Federal lands. New technologies, such as Global Positioning Systems, lightweight climbing equipment, and all-terrain vehicles, have redefined recreational access needs on public lands. New activities, such as geocaching, rock crawling with four-wheel-drive extreme machines, base jumping, bouldering and amateur rocket launching are examples of the many diverse recreational activities that often take place on BLM-administered lands. The BLM is challenged with balancing the recreational needs of the public on a local and national scale with maintaining, restoring, and/or improving America's natural resources.

We also recognize the important role these recreational opportunities play beyond the boundaries of the lands we manage. Both NPS- and BLM-administered public lands play an important role in contributing to the diversity and health of regional economies by providing these outdoor recreational experiences. Virtually all western states count recreation and tourism as one of their top three industries. Some of the largest components of these economies involve adventure, heritage, and mechanized and motorized recreation. For example, over 4,136 communities with a combined population of over 23 million people are located within a twenty-five mile drive of BLM-managed public lands. Approximately 40% of BLM-managed public lands are located within a day's drive of 16 major urban areas in the west. Much of the impact of population growth on recreational activities in the western United States is taking place on BLM public lands.

### **Impact of Executive Orders, Regulations and Congressional Designations**

Guidance for OHV use for both BLM- and NPS-managed lands originates from two Executive Orders issued in the 1970s (Nos. 11644 and 11989). These Executive Orders require both Federal agencies to designate "areas and trails" for off-road vehicle use or restriction and to develop regulations implementing the Orders. The BLM regulations (43 CFR Part 8340) outline a policy for the agency to establish

management areas as either “open”, “limited”, or “closed” to off-road vehicle use. “Open” areas are areas where all types of vehicle use is permitted at all times, anywhere in the area. “Limited” areas are areas restricted at certain times, in certain areas, and/or to certain vehicular use. BLM management plans do not currently address motorized access in “Undesignated” areas. Thus, these “Undesignated” lands have no restrictions on motorized access. The vast majority of “Undesignated” areas are in Alaska. The BLM’s current OHV designation status is approximately 32% “open”, 4% “closed”, 48% “limited”, and 16% “undesigned”.

NPS regulations (36 C.F.R. 4.10(c)) limit the operation of any motor vehicle except on park roads, in parking areas, and on routes specifically designated for off-road motor vehicle use. Routes and areas may be designated only in national recreation areas, national seashores, national lakeshores, and national preserves.

Any analysis of motorized recreational access on public lands would be incomplete without consideration of the impact of Congressional designations on recreational opportunities. With regard to the BLM, its mission and focus have expanded considerably from 1986 to the present due to the Congressional or Presidential designation of special management areas. Congress has designated over 7 million acres of BLM-administered lands as wilderness; over 2,000 miles of wild and scenic rivers; over 14 million acres as National Conservation Areas (NCAs); and over 5,000 miles of National Historic and Scenic Trails. In addition, the BLM manages 15 National Monuments, all except one of which were created by Presidential Executive Order, totaling nearly 5 million acres. Motorized and mechanized travel is prohibited in designated Wilderness. Motorized access may be restricted within these other specially-designated areas.

### **Management Challenges in Determining Motorized Access**

The BLM’s multiple-use policy sometimes results in inherent conflicts between its various user and interest groups. Recreational access in specific areas has been restricted by Congressional, State, and local mandates to protect and conserve historic and cultural places and properties, threatened and endangered plants and animal species, concerns over the spread of noxious and invasive weeds, the need to maintain air quality, water quality, wetlands, floodplains, and specially-designated areas.

At times, litigation has affected recreational access to the public lands. The California Desert, for example, has been a focal point for these conflicts. There are currently a half dozen major lawsuits pending from both environmental groups and OHV interests there. Hearings are scheduled on several of these cases, including those involving the BLM’s expansive Imperial Sand Dunes Recreation Area. This area receives the highest BLM visitor use concentration – over 1.2 million visitors annually –and provides a world-class motorized vehicle recreation experience; it is the largest area for OHV use in the nation. It also has become the focal point for conflict between OHV recreation access and implementation of the Endangered Species Act.

The BLM is currently in the final stages of completing implementation of a 2000 settlement affecting the entire California Desert based on an Endangered Species Act lawsuit brought by the Center for Biological Diversity. The original stipulations included several interim closures to motorized access. Settlement of the lawsuit required the BLM to complete five major land-use plans. At this time, the BLM has completed four of the five plans, and all of the closures have been lifted in three of the five planning areas. The management plan for the Imperial Sand Dunes Recreation Area, meanwhile, was signed in May 2005, and the BLM has scheduled to re-open 49,300 acres of the Dunes this fall, 33,000 acres of which will be open for limited OHV use and the remainder open for unlimited use. The final area affected by this settlement agreement is the West Mojave Planning Area, and the BLM is currently addressing additional court-ordered requirements in this area.

Similar land management changes have faced the NPS as well. Park managers attempt to provide for safe recreational opportunities while protecting park resources for future generations. Additionally, several

lawsuits initiated in the late 1990s in part impacted park managers' attempts to more effectively manage the growing numbers of motorized vehicles in the national parks.

For example, in 1998, in Southern Utah Alliance v. Dabney, the U.S. District Court held that the NPS violated its organic act and the Canyonlands National Park enabling legislation in authorizing the use of four wheel-drive vehicles in Salt Creek Canyon, where the administrative record demonstrated that such use would cause "permanent impairment of unique park resources." The court subsequently enjoined the NPS from allowing motorized travel on this 10-mile portion of Salt Creek Road. However, on appeal, the Tenth Circuit reversed the District Court's decision. As a result, the appellate court lifted the injunction and remanded the case to District Court. The District Court has not yet rendered a decision.

### **Partnering With Our Recreational Users**

In January 2001, the BLM released its "National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands." This strategy sets comprehensive direction for managing motorized recreational use activities in full compliance with Executive Orders, existing regulations, and policy guidance. The BLM received extensive public comment on the draft strategy, and these comments served as the basis for clarifying and improving the Strategy's goals. Also, in May 2003, the BLM released "The BLM's Priorities for Recreation and Visitor Services" which serves as a recreation work plan for Fiscal Years 2003-2007. The first goal within the Priorities document focuses on establishing a comprehensive approach to travel planning and management to improve access for recreational opportunities and experiences.

Today, every interdisciplinary land-use plan the BLM develops addresses motorized recreational use within the plan. The BLM recognizes this use as an acceptable use of public lands wherever it is compatible with established resource management objectives. More recently, in March 2005, the BLM released a revised "Land Use Planning Handbook." Specific planning guidance for "Comprehensive Trails and Travel Management" is a major topic covered in the Handbook. This renewed planning guidance establishes policy direction for preparing, revising, amending, and maintaining land-use plans. Land-use plans are the primary mechanism by which the BLM manages public lands in accordance with the intent of Congress and to achieve mission goals outlined in the Department of the Interior Strategic Plan.

In the NPS, due to differences in park enabling legislation and resources and differences in the missions of the NPS and other Federal Agencies, an activity that is entirely appropriate when conducted in one location may be inappropriate if conducted in another. Given the wide variety of park units, the appropriateness of a given recreational activity will vary from park to park. An appropriate use of a park is based, first, on the mandated purposes established by the individual park's enabling legislation, as well as the sensitivity of the resources, values, and visitor access. Of the NPS's 388 units, 43 allow snowmobiles, 25 allow OHV use, and 9 allow Personal Water Craft (PWC) use (with another 5 parks expected to finalize rulemakings within the next year).

In seeking to meet the recreational needs of motorized access users, we must recognize the needs of other recreational users as well as the importance of protecting, preserving and conserving the natural, cultural and historic resources that exist on public lands. In order to help accomplish this, since 2002, the BLM has committed over \$1 million annually to establish OHV/Travel Management specialist positions in every BLM state office and in the National Office. These specialists provide expertise to BLM Field Offices and facilitate partnerships and coordination with communities, stakeholders, and the general public on OHV and travel management planning and implementation issues. The state OHV personnel participate in monthly meetings and focus on implementing the National OHV Strategy. In addition, the BLM allocates approximately \$3.8 million annually for on-the-ground travel management projects.

Over the next decade, the BLM will work through its planning process and with the public to map the west's public access routes and travel networks. Defining a rational network of roads and trails on over 261 million acres of land is an enormously complex and daunting task, requiring extensive public involvement and resource assessment. The BLM will continue to prioritize and target resources and

funding to develop and implement travel management plans in over 60 planning areas over the next few years. Inventory, monitoring, route identification and designation of trails and transportation networks are integral to managing this key element of public access to public lands for all uses, not just recreation.

Collaboration with our stakeholders and partners will continue to be a crucial piece of BLM's OHV management strategy. The BLM has worked closely with the OHV community and other constituencies interested in motorized vehicle recreation. In the Imperial Sand Dunes, for example, a Technical Review Team, authorized under the Congressionally-mandated Desert Advisory Council, closely advises BLM on fees, facilities, and other management issues at the Dunes. Moreover, most western states now have OHV vehicle registration programs in place. The BLM works in partnership with the states by providing areas on public lands that are available for visitors to use registered OHVs. The funding derived from registration fees is often available through state grants program to assist Federal agencies with OHV-related management activities, including trail maintenance and law enforcement.

The BLM Director's January 2004 National Recreation Forum provided another opportunity for the BLM and its outdoor recreation constituencies to organize working groups to address issues related to visitor access and travel management, quality visitor experiences and fair value to visitors and for fair return to the government. The BLM values and relies on these partnerships; citizen involvement and monitoring; law enforcement agreements; and cooperative management to address these important issues.

The laws and policies applicable to the management of the National Parks System afford the NPS broad discretion and mandate no single method for satisfying the NPS's responsibility to protect park resources. The NPS can use a variety of administrative tools, including visitor education, increased enforcement, regulatory measures and use limits (numerical caps or those related to time-of-day), to manage motorized recreational use. Since 2001, the NPS has devoted substantial resources to the study of appropriate methods of managing motorized recreation in national parks.

Through effective management, National Park units such as Lake Mead and Glen Canyon National Recreation Areas will continue to be known as premier locations for water-based motorized recreation. For example, the Lake Mead National Recreation Area (NRA) Lake Management Plan (NPS 2002) established a lake carrying capacity, implemented management zoning to separate recreational activities and is incorporating a phase-in of cleaner engine technologies.

OHVs continue to be used for access to recreational activities in many National Seashores, Lakeshores and Preserves. By implementing temporal or spatial closures during times of shorebird fledging, many park units will continue to offer quality experiences for OHVs. Big Cypress National Preserve, for example, has designated access points throughout the 729,000-acre preserve. Preserve managers are in the process of designating a trail system that allows for up to 400 miles of OHV trail. Similarly, the interim winter use program at Yellowstone includes a variety of measures to protect park resources while allowing for appropriate visitor enjoyment and access. These measures include requirements that all snowmobiles use "best available technology" (BAT) as determined by the Service to be the cleanest and quietest commercially available. The park also currently limits the total number of snowmobiles that may enter each day to 720 and also requires that all snowmobilers travel with professional, commercial guides over roads that are available for use during the summer.

Glen Canyon continues to conduct and implement the various studies identified in the Final Rule for Personal Watercraft Use in Glen Canyon National Recreation Area (May 2003). Thanks to industry investments in hull insulation and other technologies, today's PWCs are cleaner and quieter, and manufacturers are working to bring their customers even quieter vessels in the future.

Finally, in those areas where motorized recreation use is allowed, the parks rely heavily on its partners in the gateway communities to educate visitors and encourage responsible and safe use of these vehicles in our parks. Lake Mead NRA, for example, has made a significant investment to support boating education with the construction of the Boating Education Center. This contemporary classroom facility is available to all organizations and the community that offer courses on boating safety.

NPS Director's Order 75A, signed in 2003, strengthens NPS's commitment to public involvement and participation as it relates to accomplishing its mission and management responsibilities. For the NPS, civic engagement is an institutional commitment to actively involve communities in our mission through the public planning process, in interpretive and educational programming, and directly by enhancing the NPS focus on partnering with communities and neighbors to preserve sites and activities that represent the fullness of the American experience.

### **Conclusion**

The BLM and NPS are dedicated to improving recreation opportunities for all public land and park visitors and will continue to seek to provide opportunities to the public, including motorized recreation users, where appropriate. Thank you again for the opportunity to testify on this important issue. I would be happy to answer questions from the Subcommittees.